



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,648	12/08/2003	Dale E. Redford	18525-0768	2984
36943 7590 07/23/2008 PHILIP G. MEYERS LAW OFFICE 1009 LONG PRAIRIE ROAD, SUITE 300 FLOWER MOUND, TX 75022				
EXAMINER KOEHLER, CHRISTOPHER M				
ART UNIT 3726		PAPER NUMBER		
MAIL DATE 07/23/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/730,648

**Applicant(s)**

REDFORD ET AL.

**Examiner**

Christopher M. Koehler

**Art Unit**

3726

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 8-20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date 12/8/03, 4/26/04
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of claims 1-7 in the reply filed on 3/31/2008 is acknowledged.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Applicant Admitted Prior Art (AAPA).

**Claim 1:**

AAPA teaches a method of preparing flat articles for sorting comprising receiving a bundle of flat items to be sorted, the bundle being wrapped with a flexible film such that the film forms an enclosed package of flat items (background of specification); placing the bundles on a substantially horizontal work surface; moving the bundle adjacent at least one film slitter (knife), the film slitter being activated when the bundle is moved adjacent the film slitter (operator cuts with knife); removing the cut film from the flat items; and stacking the unbundled flat items in a cartridge (automated sorter).

**Claim 2:**

Art Unit: 3726

AAPA teaches that the bundle is packaged using flexible straps wherein the method further comprises removing the straps with a retractable clipper mounted adjacent the work surface (knife).

Claim 7:

AAPA teaches that the slitter (knife) is activated (used) when the bundle is positioned adjacent the film slitter (background).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Grahn et al. (US Patent No. 3,889,442).

Claim 3:

AAPA teaches slitting the film with a first film slitter (knife) but does not teach first and second film slitters positioned and 90 degrees relative to one another and furthermore simultaneously cutting the film on at least two sides of the bundle. Grahn teaches a method of slitting a plastic film from a bundle (abstract) comprising a first film slitter (20, 21) positioned at 90 degrees relative to a second film slitter (22, 23) and wherein the method further comprises simultaneously cutting the film on at least two sides of the bundle. It would have been obvious to one of ordinary skill in the art at the

Art Unit: 3726

time of invention to apply the teachings of Grahn to the method of AAPA in order to achieve an automated and therefore more efficient method of removing the plastic film.

Claim 5:

AAPA teaches the structure above but fails to teach that the horizontal work surface is substantially frictionless. Grahn teaches that the horizontal work surface (19) is substantially frictionless. It would have been obvious to one of ordinary skill in the art at the time of invention to apply the surface of Grahn to that of AAPA in order to make it more effortless to convey the film wrapped bundles.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Weder (US 2002/0160897).

Claim 4:

AAPA teaches that the film slitter is a knife and not an air slitter. Weder teaches slitting plastic material by air jet cutting. It would have been obvious to one of ordinary skill in the art to apply the air jet cutting of Weder to the method of AAPA in order to provide a slitting means that will not dull with repeated use nor damage the flat items within the film wrapped bundle.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Bretschneider et al (US 2005/0045531).

Claim 6:

AAPA teaches that the flat items are stacked in a cartridge (automated sorter) but does not discuss the structure thereof. Bretschneider teaches a cartridge (5) that is supported in a self-adjusting lift, the lift adjusting the elevation of the cartridge such that

Art Unit: 3726

the top of the stack of flat items is maintained adjacent the work surface (figure 1). It would have been obvious to one of ordinary skill in the art at the time of invention to apply the cartridge teachings of Bretschneider to the method of AAPA in order to provide an ergonomically efficient means of transporting the flat items into the automated sorter.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Koehler whose telephone number is (571)272-3560. The examiner can normally be reached on Mon.-Fri. 7:30A-4:00P.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. M. K./  
Examiner, Art Unit 3726

/David P. Bryant/  
Supervisory Patent Examiner, Art Unit 3726